

**MINUTES OF THE MILLVILLE  
TOWN COUNCIL MEETING  
October 9, 2018 @ 7:00 PM**

In attendance were Mayor Bob Gordon, Deputy Mayor Steve Maneri, Treasurer Susan Brewer, Secretary Peter Michel, Council Member Ronald Belinko, Town Manager Debbie Botchie, Town Code & Building Official Eric Evans, Town Solicitor Seth Thompson, and GMB Representative Andrew Lyons Jr. Town Clerk Matt Amerling was absent.

**1. CALL MEETING TO ORDER**

Mayor Bob Gordon called the meeting to order at 7:00 p.m.

**2. PLEDGE OF ALLEGIANCE TO THE FLAG**

**3. ROLL CALL**

Mayor Gordon stated everyone was present.

**4. ADOPTION OF TOWN COUNCIL MINUTES AND NOTES**

**A. Adoption of Town Council Minutes – September 11, 2018**

Treasurer Susan Brewer motioned to adopt the September 11, 2018, Town Council meeting minutes. Council Member Ronald Belinko seconded the motion. Motion carried 5-0.

**5. FINANCIAL REPORT – Treasurer Susan Brewer**

**A. September 2018**

Treasurer Susan Brewer read the Financial Report for the month ending 9/30/18.

**September 30, 2018:**

General Revenue:	\$	11,350.	Restricted Revenue:	\$	85,990.
General Expenses:		31,567.	Restricted Expenses:		68,360.

**6. ADMINISTRATIVE MATTERS**

**A. Administrative Report for September 2018 – Town Manager**

Ms. Botchie stated her thanks to all of Council and staff for the Great Pumpkin Festival on Saturday, September 29. Ms. Botchie stated it was a huge success and the Town has received nothing but kudos from everyone. Ms. Botchie stated her thanks to Beebe once again for sponsoring the pumpkin decorating, as well GMB, Christopher Companies, Beazer Homes, Millville Town Center LLC (Millville by the Sea), Schiff Farms, and Morris & Richie for all sponsoring bouncy rides for the festival. Mayor Bob Gordon stated his thanks to Ms. Botchie for putting together the event.

**MOTION TO ENTER PUBLIC HEARING**

Ms. Brewer motioned to enter Public Hearing at 7:05 p.m. Secretary Peter Michel

seconded the motion. Motion carried 5-0.

## **7. NEW BUSINESS**

### **A. Public Hearing Notice – Secretary**

### **B. Written Comments – Town Manager**

There were no written comments.

- C.** Discuss a Final Site Plan submitted by the Becker Morgan Group on behalf of Beebe Health Care for the proposed Beebe South Coastal Campus ED & Cancer Center. The proposed site plan is located on a portion of Tax Map Parcel 134-15.00-93.00 zoned Master Planned Community. The P&Z Committee approved 3-0 to recommend to Town Council to approve the Final Site Plan at its August 17, 2018, P&Z Meeting, with the contingency of a signage plan submitted as well as adding a note to the plans that any future expansion of the building and parking must be approved by the Town administratively prior to construction. The Committee accepted the encroachment of 0.2% into the buffer zone.

Mr. Jeff Harman, of Becker Morgan Group, stated he is representing Beebe Health Care and this is about a forty-one-thousand (41,000)-square-foot building, split into two (2) functions, with the southerly side being the emergency department and the northerly side being the cancer center; and will have a single entrance off Route 17. Mr. Harman stated there will be a drop-off loop for both the emergency department and the cancer center, and there will be circulation around the entire building, as well as a place onsite for a helipad, but that is more for people who need to be transported out of the center and to another higher-level trauma facility. Mr. Harman stated there will be retention ponds with fountains in them, and Beebe is requesting a relief of 0.2% from the 75-foot buffer, showing a yellow-dashed line on the plans along the tax ditch, so there can be parking space pushed back for the healing garden located in the rear of the cancer center for patients getting treatment at the facility. Mr. Alex Sydnor, of Beebe, stated the Town is the best place for Beebe to expand and add a health campus in the community because the Town is positioned very nicely – south along Route 26 – and will service many. Mr. Sydnor stated it's been estimated there will probably be about fifteen-thousand (15,000) visits every year to this care center, and about 3,000 to 3,500 of those already come up to the Lewes campus so this will save those folks a trip up there or to Rehoboth. Mr. Sydnor stated it's been estimated by the Delaware Cancer Center that about three-hundred-eighty-seven (387) cases of cancer are diagnosed every year; so between the Indian River Inlet, Maryland border, and Route 113, it's about four-hundred (400) of the Town's constituents who are diagnosed with cancer every year, and this will help with servicing those individuals. Mr. Sydnor stated the cancer garden is very important to the cancer patients to help lower their blood pressure and increase their sense of healing; so those individuals there for a four (4)-hour chemotherapy treatment will have something nice to view during their stay. Mr. David Szumski, of Beebe, stated his thanks for everyone, particularly Town Manager Debbie Botchie and Town Code & Building Administrator Robin Caporaletti, for cheering Mr. Szumski on regarding donating pumpkins to the

Town's Great Pumpkin Festival; as well as to Hocker's for donating the pumpkins. Mr. Szumski stated the day of the Pumpkin Festival was great because Beebe had its renderings up for display and most people asked when construction will start and when will the center be open, so people are very excited.

Mr. Harman stated Becker Morgan has been working diligently with all of the agencies, who have been very cooperative and working with Beebe as quickly as possible. Mr. Harman stated at this point in time, Beebe has several approvals in hand, such as the State Office of Drinking Water, Sussex Conservation District, and Becker Morgan is currently working with DelDOT, who've issued an no objection letter just so long as there is a final entrance/construction plan approval from DelDOT and Beebe has provided DelDOT with a bond for the construction. Mr. Harman stated they have also received approval from Sussex County Engineering and are in daily correspondence with them. Mr. Harman stated County Engineering also issue an no objection letter as long as Beebe receives final approval from Sussex County's Engineering Department and provided Sussex County with a bond for the sanitary sewer construction. Mr. Harman stated about thirty (30) to forty-five (45) days of the beginning process, which will involve silt fencing, stabilizing a construction entrance, and other various preparation, before putting down the building foundation. Mr. Harman stated Becker Morgan and Beebe are requesting from the Town to start the process now. Mr. Harman stated he thinks Tidewater is another company who submitted a no-objection letter, and the Delaware Department of Natural Resources & Environmental Control (DNREC) review of sewer won't let Beebe have County sewer submit to them until the County has approved it, but the process only takes about two (2) to three (3) weeks. Mr. Harman stated the Fire Marshal is out until Thursday so they have to wait until then to get his official approval.

Mr. Mark Loukides, vice president of facilities for Beebe Health Care, stated Beebe wants to start construction "as soon as yesterday," but weather can become an issue so Beebe will deal with it as it comes. Mr. Loukidas stated another item to take into consideration is there are plenty of logistical items which need to be taken into account before having the center up and running, such as technical and mechanical systems, infrastructure, database operations, etc. and it will most likely be until early 2020 before the center is completed construction. Mr. Loukidas stated there is further set-up needed to be done besides completing construction; there is all of the technology-based systems which need set-up, so Beebe is hoping to have it all done by summer 2020.

Mr. Andrew Lyons Jr., of GMB, stated since the P&Z meeting on August 17, all comments have been addressed and the 0.2% encroachment into the 75-foot buffer has been added to the plans. Mr. Lyons stated there is plenty of parking but room for more parking if needed in the future. Mr. Lyons stated he reviewed all status of their permits and all approvals have been issued aside from the no-objection letters from the two (2) agencies. Town Solicitor Seth Thompson asked if both DelDOT and the Sussex County Engineering Department issued no-objection letters with the contingency the Town withhold certificates of occupancy until Beebe has received all necessary outside agency approvals and completed DelDOT's and the Sussex County

Engineering Department's review process and received final entrance/construction plan approval from DelDOT and provided DelDOT with a bond for the construction, as well as final approval from Sussex County's Engineering Department and provided Sussex County with a bond for the sanitary sewer construction. Mr. Lyons stated yes. Mr. Thompson stated one of the items Beebe proposed is there be an approved expansion on this site plan but Beebe doesn't necessarily build the expansion right away; but making Beebe come back for a revised site plan for the expansion is a bit silly, so the Town's Planning & Zoning Committee (P&Z) suggested the expansion be administratively approved when Beebe gets to that point. Mr. Lyons stated yes, and the expansion is shown on the site plan now as "future," so it has been considered. Mr. Thompson stated, for Council's benefit, the thought is if Beebe completes the project but not those areas and decides to those areas in three (3) years, Council wouldn't want residents asking why construction is going on the site.

Town Manager Debbie Botchie stated regarding the expansion of the healing garden for cancer patients, Ms. Botchie is pleased to see this as her brother with cancer had to go to chemotherapy treatments with no windows, only chairs and a TV. Ms. Botchie stated having the parking at close proximity is a must because the patients are very weak and Ms. Botchie is appreciative of the healing garden.

#### **D. Residents/Property Owner Comments & Questions**

Mr. Dave Moeller, of Blue Heron Drive, stated everyone is excited to have this building in and asked why Beebe didn't take the entire footprint of the building and move it over a little bit. Mr. Harman stated part of it is because of where DelDOT wanted Beebe to have its entrance, so Beebe had to move it to where it is now, and they couldn't move it much further west because they're encroaching on the area which is planned for future expansion construction; plus the entrance in relation to the rest of Millville by the Sea (MBTS) and seeing what they have planned for their entrances too. Mr. Moeller stated he hates to see any kind of encroachment into buffer zones, but he knows Beebe has come so far and will do the best they can with future similar aspects.

Mr. Al Ruble, of Millville Town Center LLC, stated, in relation to the buffer, he thinks it's important everyone understands the buffer has nothing to do with wetlands or any state or federal agency. Mr. Ruble stated this buffer is self-imposed of what the developer imposed upon themselves, and is there just so buildings don't get any closer to each other back when a town center was planned. Mr. Ruble stated what is being done now is about parking – not a building as originally conceived – and a buffer that has no jurisdictional issue except what the developer self-imposed.

#### **E. Discuss Ordinance 19-04, which amends the Town of Millville Code at Chapters 1, 58, 72, 80, 90, 97, 111, 125, 132, and 155, related to violations and penalties. Ordinance 19-04 was recently discussed at the August 28, 2018, Town Council Workshop meeting.**

Mr. Thompson stated this ordinance is designed to update the Town's code

enforcement processes and to make it easier for the Town to enforce its ordinances so rather than a Town official having to run immediately over to the Justice of the Peace court. Mr. Thompson stated this ordinance specifically deals with the moving buildings ordinance, the construction hours ordinance, the firearms ordinance, licenses, the noise ordinance, property maintenance, subdivision of land taxation, and the zoning ordinance. Mr. Thompson stated the process here is someone can pay the Town directly for a crime, and if that doesn't work, the normal processes exist. Mr. Thompson further stated there is also language where if someone is violating a zoning ordinance, and instead of simply fining them, the Town can go get an injunction from Chancery Court to have that person remove something. Mr. Thompson stated this also helps the Town so if someone violates a grass height ordinance, Town Code & Building Official Eric Evans doesn't have to run to court every time and rather can address the situation and have the offender fined; plus, in that situation, if someone is sick or away on a lengthy vacation, getting something from the court may not be the most neighborly manner with which to handle that situation.

#### **F. Residents/Property Owner Comments & Questions**

There were no comments.

### **MOTION TO CLOSE PUBLIC HEARINGS**

Deputy Mayor Steve Maneri motioned to close the public hearings at 7:38 p.m. Council Member Susan Brewer seconded the motion. Motion carried 5-0.

### **8. NEW BUSINESS**

- A.** Discuss and possible vote on a Final Site Plan submitted by the Becker Morgan Group on behalf of Beebe Health Care for the proposed Beebe South Coastal Campus ED & Cancer Center.

Mayor Gordon requests individual vote.

Ms. Brewer motioned to accept the Final Site Plan submitted by the Becker Morgan Group on behalf of Beebe Health Care for the proposed Beebe South Coastal Campus ED & Cancer Center with the condition that the Town withhold a certificate of occupancy until Beebe Healthcare has received all necessary outside agency approvals and completed DelDOT's and the Sussex County Engineering Department's review process and received final entrance/construction plan approval from DelDOT and provided DelDOT with a bond for the construction, as well as final approval from Sussex County's Engineering Department and provided Sussex County with a bond for the sanitary sewer construction. Council Member Peter Michel seconded the motion. Deputy Mayor Steve Maneri voted yes. Council Member Ronald Belinko voted yes. Treasurer Susan Brewer voted yes. Secretary Peter Michel voted yes. Mayor Gordon voted yes. Motion carried 5-0.

### **9. OLD BUSINESS**

**A. Discuss and possible vote on Ordinance 19-04.**

Mayor Gordon requests individual vote.

Mayor Gordon motioned to adopt Ordinance 19-04. Mr. Michel seconded the motion. Mr. Maneri voted yes. Mr. Belinko voted yes. Ms. Brewer voted yes. Mr. Michel voted yes. Mayor Gordon voted yes. Motion carried 5-0.

**B. Discuss and possible vote on Ordinance 19-06, which amends the Town of Millville Code at Chapter 111 entitled Property Maintenance.**

Synopsis: If approved, Ordinance 19-06 would have additional regulations regarding garbage and dumpsters. This Ordinance was previously discussed at the August 28, 2018, Town Council Workshop meeting.

Mr. Thompson stated this ordinance is more substantive than procedural, and the issue here is addressing when dumpsters need to be closed as well as trash lying alongside dumpsters and trash bins. Mr. Thompson stated there was some good input from the August 28 Workshop meeting, such as keeping overgrowth off of walking paths and trails, especially since the Town is getting more and more of those. Mr. Thompson stated another change is the time limit for responding to Town notification from ten (10) days to five (5) days. Mr. Thompson stated there was discussion at the Workshop meeting regarding changing language from “may” to “shall” under grasses, noxious weeds and other vegetative growth, to having those removed and the Town charging the person for the Town having done so. Mr. Thompson stated the reason the word “may” has been used in the Code in the past is because the Town needed some level of discretion in terms of prioritizing what kind of enforcement action the Town is going to take. Mr. Thompson stated a good example is if a property owner doesn’t pay their property taxes, the Town could technically go and put that property owner’s house for sale; and the Town doesn’t normally do that as it’s an aggressive thing to do. Mr. Thompson stated the Town would rather work with the property owner and set up a payment plan, so that is an example of the discretion – a prosecutorial discretion – the Town takes. Mr. Thompson stated another extreme example is if Mr. Evans is dealing with something more important like flooding issues in one part of the Town and on the other part, there’s a grass violation, the grass cutting would fall down on the list of priorities. Mr. Thompson further stated the other element is if the Town doesn’t have a real means of collection other than selling the property, Mr. Thompson doesn’t know the Town will want to keep doing that.

Mr. Thompson stated another issue is giving notice to a property owner once and then it’s good for the rest of the year, which is how the Code reads now, with the idea being if the Town sends out a violation letter, then two (2) weeks later, the Town wouldn’t have to send out another, but this is something that is not new to the Town. Ms. Botchie stated she spoke with Mr. Evans and the amount of violations has usually been minimal even though there have been some areas worse than others, but the Town will always send out a violation notice. Mr. Evans stated yes, the Town has been identifying property owners who don’t live year-round and say they have contracts on the property, and the contractor says they’ve been mowing

it, but the Town still has to send those violation notices. Mr. Evans stated some contractors say they mow when DelDOT does, which can't be done because DelDOT only mows once a month, whereas someone's property should be mowed more often.

Mr. Thompson stated another change is in regards to the filling of a trash can or dumpster, specifically if the trash can or dumpster is full and placing trash bags or trash items outside beside the trash can or dumpster, which is now being prohibited, and the full trash can or dumpster having to be emptied within twenty-four (24) hours. Mr. Evans stated this also applies to residences as well, so if a property owner has visitors and they have a lot of trash and it fills up their trash can to the top, the property owner has 24 hours to have that trash can emptied. Mr. Thompson stated yes, but this ordinance will mostly apply to places with dumpsters because those places are probably the ones who have the most overflow. Ms. Botchie stated this ordinance will also help with places with homeowners associations (HOAs) who have weekenders or weekly renters who would try to put out a full trash can with bags around it, when the trash doesn't pick up for two or more days; so the Town would go out and fine those property owners if that situation did arise. Ms. Botchie stated some of the commercial areas have been very lax with their dumpsters being emptied and this ordinance will hopefully take care of that situation. Ms. Botchie stated if this ordinance is passed, she plans to share it with as many of the businesses and HOA boards as possible. Ms. Brewer asked how Ms. Botchie planned on distributing the ordinance. Ms. Botchie stated via email as she has the businesses and HOA board email contacts.

Mr. Michel stated as soon as the Town changes the wording to "shall," "it's a done deal," meaning the Town would have to take that action. Mr. Thompson stated yes, the word "may" leaves discretion which the Town currently has, whereas "shall" means the Town is obligating itself. Mr. Michel asked if the change will add a lot of work for the Town. Mr. Thompson stated yes, even though there is a set-up where the Town can hire somebody to go out and do that kind of work; but there will be more administrative work for the Town as well as fronting of the expense. Mayor Gordon stated the word "shall" takes the flexibility out of the Town being able to make an exception for someone who, for instance, is on a lengthy vacation or is ill in the hospital, but, at the same time, the Town has to be better at notifying or knowing where the property owners are in order to notify them. Mr. Thompson stated it would sort of be akin to the police officer pulling over a motorist for speeding and the motorist is taking his pregnant wife who's in labor to the hospital. Mr. Michel stated he understands that but when you put "shall" in there, there is no gray area and it must be done, regardless of the excuse or reason. Council Member Ronald Belinko stated he would like to see "may" stay in the ordinance because showing a little compassion to someone who's sick or someone who's been on vacation will be better rather than having to hand out a violation. Mayor Gordon stated he agrees with Mr. Belinko. Mr. Michel stated he agrees and thinks "may" would be better for the whole of the townspeople. Ms. Brewer stated she agrees with keeping "may" because it gives more flexibility to the Town staff as well. Mr. Maneri stated he will go with "may" as well.

Mayor Gordon motioned to approve Ordinance 19-06 with the word “may” staying in place. Mr. Michel seconded the motion. Motion carried 5-0.

#### **10. PARK AND RECREATION COMMITTEE REPORT**

Deputy Mayor Steve Maneri stated he will get together with Mr. Lyons about the pickleball courts. Mr. Lyons stated he should be able to meet in about two (2) weeks or so to go over the details and GMB will have a better idea if there are any changes. Mayor Gordon asked if it may be around some time around Thanksgiving. Mr. Lyons stated yes, probably so.

#### **11. CITIZENS' PRIVILEGE**

Town Code & Building Official Eric Evans stated the Town owes a big thanks to Mr. John Melson and Mr. Russell Littleton for helping out all day with the Town's Great Pumpkin Festival, and the Town should at least give a thank you card.

Mr. Belinko stated his kudos to Ms. Botchie who just received a special recognition from the International City Managers Association (ICMA) for ten (10) years of service as a town manager.

#### **12. ANNOUNCEMENT OF NEXT MEETING – TOWN COUNCIL SPECIAL MTG. WITH THE COMPREHENSIVE PLAN COMMITTEE, OCTOBER 11, 2018; AND TOWN COUNCIL WORKSHOP MTG., OCTOBER 23, 2018**

#### **13. ADJOURNMENT**

Ms. Brewer motioned to adjourn at 8:05 p.m. Mr. Maneri seconded the motion. Motion carried 5-0.

Respectfully submitted,  
Matt Amerling, Town Clerk